

# Senate Study Bill 1318

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON KREIMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to civil liability for damages relating to the  
2 use of an automated external defibrillator in sudden cardiac  
3 arrest emergencies.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2810SC 82  
6 rh/gg/14

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1 1 Section 1. Section 613.17, Code 2007, is amended to read  
1 2 as follows:

1 3 613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT.

1 4 1. A person, who in good faith renders emergency care or  
1 5 assistance without compensation, shall not be liable for any  
1 6 civil damages for acts or omissions occurring at the place of  
1 7 an emergency or accident or while the person is in transit to  
1 8 or from the emergency or accident or while the person is at or  
1 9 being moved to or from an emergency shelter unless such acts  
1 10 or omissions constitute recklessness or willful and wanton  
1 11 misconduct.

1 12 a. For purposes of this ~~section~~ subsection, if a volunteer  
1 13 fire fighter, a volunteer operator or attendant of an  
1 14 ambulance or rescue squad service, a volunteer paramedic, a  
1 15 volunteer emergency medical technician, or a volunteer  
1 16 registered member of the national ski patrol system receives  
1 17 nominal compensation not based upon the value of the services  
1 18 performed, that person shall be considered to be receiving no  
1 19 compensation.

1 20 b. ~~The~~ For purposes of this subsection, operation of a  
1 21 motor vehicle in compliance with section 321.231 by a  
1 22 volunteer fire fighter, volunteer operator, or attendant of an  
1 23 ambulance or rescue squad service, a volunteer paramedic, or  
1 24 volunteer emergency medical technician shall be considered  
1 25 rendering emergency care or assistance ~~for purposes of this~~  
1 26 ~~section.~~

1 27 c. For purposes of this ~~section~~ subsection, a person  
1 28 rendering emergency care or assistance includes a person  
1 29 involved in a workplace rescue arising out of an emergency or  
1 30 accident.

1 31 2. The following persons or entities, who in good faith  
1 32 render emergency care or assistance relating to the  
1 33 preparation for and response to a sudden cardiac arrest  
1 34 emergency, shall not be liable for any civil damages for acts  
1 35 or omissions occurring at the place of an emergency or  
2 1 accident or while such persons are in transit to or from the  
2 2 emergency or accident or while such persons are at or being  
2 3 moved to or from an emergency shelter unless such acts or  
2 4 omissions constitute recklessness or willful and wanton  
2 5 misconduct:

2 6 a. A person or entity that acquires an automated external  
2 7 defibrillator.

2 8 b. A person or entity that owns, manages, or is otherwise  
2 9 responsible for the premises on which an automated external  
2 10 defibrillator is located.

2 11 c. A person who retrieves an automated external  
2 12 defibrillator in response to a perceived sudden cardiac arrest  
2 13 emergency.

2 14 d. A person who uses, attempts to use, or fails to use an  
2 15 automated external defibrillator in response to a perceived  
2 16 sudden cardiac arrest emergency.

2 17 e. A physician or other authorized medical personnel who

2 18 issues a prescription for the purchase of an automated  
2 19 external defibrillator.  
2 20 f. A person or entity that is involved with the design,  
2 21 management, or operation of an automated external  
2 22 defibrillator program.  
2 23 g. A person or entity that provides instruction in the use  
2 24 of an automated external defibrillator.

2 25 EXPLANATION

2 26 This bill relates to civil liability for damages relating  
2 27 to the use of an automated external defibrillator in sudden  
2 28 cardiac arrest emergencies.

2 29 The bill provides that the following persons or entities,  
2 30 who in good faith render emergency care or assistance relating  
2 31 to the preparation for and response to a sudden cardiac arrest  
2 32 emergency shall not be liable for any civil damages for acts  
2 33 or omissions occurring at the place of an emergency or  
2 34 accident or while such persons are in transit to or from the  
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